

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

SHANDERA J. GILLESPIE,

Plaintiff,

v.

MICHAEL MAGEE, TONI ANN KOREN,
KERRI REYES, JAMES MOONEYHAM,
MINDY MERKEL, MARSHA SMITH,
MARCI CANNON FISHER, and BAPTIST
MEMORIAL HEALTH CARE
CORPORATION,

Defendants.

Case No. 2:17-cv-2726-JPM-dkv

**ORDER ADOPTING THE REPORT AND RECOMMENDATION FOR PARTIAL
SUA SPONTE DISMISSAL**

Before the Court is the Report and Recommendation filed by U.S. Magistrate Judge Diane K. Vescovo on October 11, 2017. (ECF No. 8.) In the Report and Recommendation, the Magistrate Judge recommends that, for failure to state a claim on which relief may be granted, Plaintiff Shandera J. Gillespie’s disability, age, and color discrimination claims be dismissed *sua sponte* as to all defendants and that Plaintiff’s Title VII race-discrimination and retaliation claims be dismissed as to all individual defendants—leaving Plaintiff to proceed with her Title VII race-discrimination and retaliation claims against Defendant Baptist Memorial Health Care Corporation (“Baptist”). (*Id.* at PageID 30.) Additionally:

The [Magistrate Judge] recommends that the Clerk be directed to issue process for Baptist and to deliver that process to the marshal for service along with a copy of the complaint, this Report and Recommendation, and any order

regarding this Report and Recommendation; that service be made on Baptist pursuant to Rule 4(h)(1) of the Federal Rules of Civil Procedure; and that all costs of service be advanced by the United States.

It is further recommended that Gillespie be ordered to serve a copy of every document filed in this cause on the attorney for Baptist, make a certificate of service on every document filed, familiarize herself with the Federal Rules of Civil Procedure and this court's local rules, promptly notify the Clerk of any change of address or extended absence, and be warned that failure to comply with these requirements, or any other order of the court, may result in the dismissal of her case without further notice.

(Id. at PageID 30-31.)

“Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b)(2). Plaintiff has not filed any objections to the Report and Recommendation, and the time for filing objections expired on October 25, 2017. See Fed. R. Civ. P. 5(b)(2), 6(d), 72(b)(2).

“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b) advisory committee note. On clear-error review of the Magistrate Judge's Report and Recommendation, the Court hereby ADOPTS the Report and Recommendation in its entirety.

Accordingly, Plaintiff's disability, age, and color discrimination claims are DISMISSED as to all defendants, and Plaintiff's Title VII race-discrimination and retaliation claims are DISMISSED as to all individual defendants. Plaintiff's Title VII race-discrimination and retaliation claims against Baptist may proceed.

The Clerk is directed to issue process for Baptist and to deliver that process to the marshal for service along with a copy of the Complaint, the Report and Recommendation, and

this Order. Service shall be made on Baptist pursuant to Rule 4(h)(1) of the Federal Rules of Civil Procedure. All costs of service shall be advanced by the United States.

Plaintiff is ordered to (1) serve a copy of every document filed in this action on the attorney for Baptist, (2) make a certificate of service on every document filed, (3) familiarize herself with the Federal Rules of Civil Procedure and this Court's local rules, and (4) promptly notify the Clerk of any change of address or extended absence. Plaintiff's failure to comply with these requirements, or any other order of the Court, may result in the dismissal of her case without further notice.

IT IS SO ORDERED, this 30th day of October, 2017.

/s/ Jon P. McCalla
JON P. McCALLA
UNITED STATES DISTRICT COURT JUDGE